

MAGISTRATE JUDGE

05-CR-05654-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARREN K. RICHARDS,

Defendant/Petitioner.

NO. CR05-5654

FINDINGS AND ORDER ACCEPTING
DEFENDANT FOR DEFERRED
PROSECUTION, APPROVING
TREATMENT PLAN, AND DIRECTING
DEFENDANT TO TAKE TREATMENT
AS PRESCRIBED

(Clerk's Action Required)

THIS MATTER, coming on for hearing this 2nd day of November 2005, upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by her/his attorney, John Black; the United States of America being represented by Barbara Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Olympic Personal Growth Center and the files and records herein, being fully advised in the premises, does now make and enter the following:

I. FINDINGS OF FACT

A. On or about the 2nd day of July, 2005, Petitioner was charged under the Code of Federal Regulations with the offense of Driving Under the Influence and Negligent Driving 2nd Degree under the Revised Code of Washington. This case occurred as a direct result of alcoholism/chemical dependency problems;

B. Petitioner suffers from an alcohol problem and is in need of treatment;

1 C. The probability of similar misconduct in the future is great if the problem is not
2 treated;

3 D. Petitioner is amenable to treatment;

4 E. An effective rehabilitative treatment plan is available to Petitioner through
5 Olympic Personal Growth Center, an approved treatment facility as designated by the laws of
6 the State of Washington, and Petitioner agrees to be liable for all costs of this treatment
7 program;

8 F. That Petitioner agrees to comply with the terms and conditions of the program
9 offered by the treatment facility as set forth in the diagnostic evaluation from Olympic Personal
10 Growth Center treatment program, attached to Statement of Petitioner filed herewith, and that
11 Petitioner agrees to be liable for all costs of this treatment program;

12 G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and
13 sufficiency of the facts as contained in the written police report attached to Statement of
14 Petitioner filed herewith.

15 H. That Petitioner has acknowledged the admissibility of the stipulated facts in any
16 criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of
17 this Order Granting Deferred Prosecution and that these reports will be used to support a finding
18 of guilt;

19 From the foregoing FINDINGS OF FACT, the Court draws the following:

20 **II. CONCLUSIONS OF LAW**

21 A. That the above-entitled Court has jurisdiction over the subject matter and
22 Petitioner *DARREN K. RICHARDS*, in this case;

23 B. That Petitioner's Petition for Deferred Prosecution meets the requirements of
24 program.;

25 C. That the diagnostic evaluation and commitment to treatment meets the
26 requirements of the program;

1 D. That Petitioner is eligible for deferred prosecution.

2 **III. ORDER**

3 Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS OF
4 LAW, it is hereby

5 ORDERED that the treatment plan outlined in said report is approved and Petitioner is
6 hereby accepted for deferred prosecution for five (5) years pursuant to the program, upon the
7 following terms and conditions:

8 A. Petitioner shall be on probation for the deferral period and follow the rules and
9 regulations of probation,

10 B. Petitioner shall enroll in and successfully complete the two-year treatment
11 program recommended by Olympic Personal Growth Center according to the terms and
12 conditions of that plan as outlined in the diagnostic evaluation, a true copy of which is attached
13 to the Petition and incorporated herein by reference. Petitioner shall not change treatment
14 agencies without prior court approval;

15 C. The treatment facility, shall file with the United States Probation Office status
16 reports of Petitioner's compliance with treatment, monthly during the first year of the deferred
17 prosecution period and every three (3) months during the second year. The Court may increase
18 the frequency of these reports at its discretion;

19 D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.

20 E. Petitioner shall abstain during the deferred prosecution period from any and all
21 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

22 F. Petitioner shall not operate a motor vehicle on the public highways without a valid
23 operator's license and proof of liability insurance sufficient to comply with the state laws on
24 financial responsibility;

25 G. Petitioner shall be law abiding and shall not commit any alcohol/drug related
26 offenses or other criminal offenses during the period of deferral,

1 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
2 questioned, or cited by Law Enforcement.;

3 I. In the event that Petitioner fails or neglects to carry out and fulfill any term or
4 condition of her/his treatment plan or violates any provision of this Order or any rule or
5 regulation of her/his probation officer, upon receiving notice, the Court shall hold a hearing to
6 determine why Petitioner should not be removed from deferred prosecution and prosecuted for
7 the offense charged;

8 J. In the event the Court finds cause to revoke this deferred prosecution, the
9 stipulated police reports shall be admitted into evidence, and Petitioner shall have his/her guilt
10 or innocence determined by the Court;

11 K. That the statement of Petitioner for Deferred Prosecution shall remain sealed, and
12 all subsequent reports or documents relating to her treatment information shall be sealed, to
13 maintain confidentiality of Petitioner's treatment information;

14 L. That the Department of Licensing be notified of this Order accepting the
15 Petitioner for deferred prosecution;

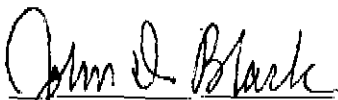
16 M. Upon proof of Petitioner's successful completion of the five year deferral period
17 in this Order, the Court shall dismiss the charges pending against Petitioner.

18 N. Additional conditions: (1) all conditions recommended in Pre-Sentence
19 Report; and (2) defendant is to take all prescribed medications

20
21 DONE IN OPEN COURT this 2 day of November, 2005.

22
23 
24 UNITED STATES MAGISTRATE JUDGE

1
2 Presented by:

3 
4 JOHN BLACK
5 Attorney for Petitioner

6 I have received a copy of the foregoing Order of Deferred Prosecution. I have read and
7 understand its contents, and agree to abide by the terms and conditions set forth herein.

8 Dated: 11/2/05


9 DARREN K. RICHARDS
Petitioner

10
11 I certify that a copy of this signed Order was mailed to the subject treatment facility, on
12 Nov 3, 2005. The United States Probation Office was also furnished a copy
of this Order.

13 
14 Clerk